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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,027	03/25/2004	Gary Hunsinger	303086.3010121	7782
44331	7590	10/18/2006		EXAMINER
HISCOCK & BARCLAY, LLP 2000 HSBC PLAZA ROCHESTER, NY 14604-2404			PHAM, MINH CHAU THI	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/809,027	HUNSINGER, GARY	
	Examiner Minh-Chau T. Pham	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alseth et al (4,350,509), in view of Hoffman, Jr. et al (6,096,207).

Alseth et al disclose a disposable air cleaner filter unit which is a single integral unit and is disposed of after use (see Abstract) wherein the filter has an air permeable portion (14b) extending into the air cleaner (10) (see col. 2, lines 43-62), and the end member (26) is retained at the air intake (14) (see col. 3, lines 6-17). Claims 1-20 differ from the disclosure of Alseth et al in that the filtration member has a detailed configuration of retaining and coupling means. Hoffman, Jr. et al disclose an a filter cartridge having upper filtration member end engaging with the upper retaining means and lower filtration member end engaging with the lower retaining segment via threads, and a coupling means for coupling the air cleaner a member (see details of Fig. 1, col. 2, line 44 through col. 3, line 42, col. 3, line 56 through col. 4, line 8). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the air cleaner of Alseth et al to have retaining and coupling means as taught by Hoffman, Jr. et al since it is well known in the art that retaining or coupling means via threads would facilitate tight sealing preventing any fluid bypassing, thus increase filtration efficiency.

***Response to Arguments***

Applicant's arguments filed on July 27, 2006 have been fully considered but they are not persuasive.

Applicant's main argument is that "none of the cited references Avery or Raszkowski teaches a filtration member having the upper end engaged with the upper retaining segment and lower end engaged with the lower retaining segment". The Examiner now drops both Avery and Raszkowski references and newly introduces Alseth et al as the primary reference under the 103(a) rejection of claims 1-20 to show: A disposable air cleaner filter unit which is a single integral unit and is disposed of after use (see Abstract) wherein the filter has an air permeable portion (14b) extending into the air cleaner (10) (see col. 2, lines 43-62), and the end member (26) is retained at the air intake (14) (see col. 3, lines 6-17), as claimed. However, Alseth et al do not explicitly disclose a detailed configuration of retaining and coupling means of the air cleaner. The Examiner newly introduces Hoffman, Jr. et al as the secondary reference in combination with Alseth et al to show: A filter cartridge having upper filtration member end engaging with the upper retaining means and lower filtration member end engaging with the lower retaining segment via threads, and a coupling means for coupling the air cleaner a member (see details of Fig. 1, col. 2, line 44 through col. 3, line 42, col. 3, line 56 through col. 4, line 8), as claimed. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the air cleaner of Alseth et al to have retaining and coupling means as taught by Hoffman, Jr. et al since it

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is well known in the art that retaining or coupling means via threads would facilitate tight sealing preventing any fluid bypassing, thus increase filtration efficiency.

Applicant's arguments with respect to claims 1-20 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Minh-Chau Pham

Patent Examiner

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October 13, 2006